

Calendar No. 1288

77TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1249

OLIVE Z. RESSLER

APRIL 3 (legislative day, MARCH 30), 1942.—Ordered to be printed

Mr. CAPPER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 4413]

The Committee on Claims, to whom was referred the bill (H. R. 4413) for the relief of Olive Z. Ressler, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1717, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1717. 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 4413) for the relief of Olive Z. Ressler, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Line 3, strike out "is" and insert "be, and he is hereby".

Line 6, strike out the figures "\$500" and insert in lieu thereof "\$360.50".

At the end of the bill, add: "Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The purpose of the proposed legislation is to pay to Olive Z. Ressler, of Detroit, Mich., the sum of \$360.50 for personal injury sustained by her when she was injured on February 27, 1939, due to the negligence of an employee of the Works Progress Administration.

STATEMENT OF FACTS

On February 27, 1939, at approximately 11 a. m., certain employees of the Works Progress Administration were engaged in removing snow from the streets of Detroit, Mich.; that the snow was being shoveled from a curb across a sidewalk into an empty lot; that Mrs. Ressler was walking east on the north side of the street; that after passing several of the employees safely, she was struck between the knee and ankle of her right leg by a shovel wielded by one of the employees

whose back was turned toward her at the time; that, as a result of the accident, Mrs. Ressler sustained a severe contused wound external surface right leg, with swelling, congestion, discoloration, tenderness, extravasation of blood, and local pain; that she was incapacitated for approximately 11 weeks; that she has incurred medical expenses in the sum of \$60.50.

The Work Projects Administration recommends the enactment of the legislation in whatever amount Congress, in its discretion, may deem advisable.

Your committee, after carefully considering the merits of the case, is of the opinion that the injuries sustained by Mrs. Ressler were the direct result of the negligence of an employee of the Work Projects Administration and recommend that the bill as amended do pass.

Appended hereto is the report of the Work Projects Administration, together with other pertinent evidence.

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., June 12, 1941.

The Honorable DAN R. McGEHEE,
Chairman, Committee on Claims, House of Representatives.

DEAR MR. McGEHEE: Reference is made to your letter of June 6, 1941, and my acknowledgment of June 9, 1941, concerning H. R. 4413, a bill for the relief of Olive Z. Ressler.

The Administration's report is as follows:

The bill proposes to appropriate to Olive Z. Ressler, of Detroit, Mich., the sum of \$500 "in full settlement of all claims against the United States for damages sustained by Olive Z. Ressler when injured by an employee of the Works Progress Administration while on duty on February 27, 1939; said injury being incurred while Olive Z. Ressler was walking east on Grand River Avenue on the north side of the street near Pinehurst Avenue in the city of Detroit." It appears that, on February 27, 1939, at approximately 11 a. m., employees of this Administration were engaged in removing snow from a street in Detroit, Mich.; the snow was being shoveled from a curb across a sidewalk into an empty lot, that Mrs. Ressler was walking east on the north side of the street; that, after passing several of the employees safely she was struck between the knee and ankle of her right leg by a shovel wielded by one of the employees whose back was turned toward her at the time; that caution signs were in place on the street; and that as a result of the accident Mrs. Ressler allegedly sustained injuries which prevented her from working for approximately 11 weeks.

It also appears that X-rays were made of the right leg, but that they revealed no evidence of any fracture, dislocation or bone pathology. It appears the claimant incurred medical expenses in the sum of \$53 and X-ray expenses in the sum of \$7.50.

In view of the above, which indicates that claimant received injuries as a result of project operations of this Administration, no objection is interposed to the enactment of the proposed legislation in such amount as the Congress may, in its sound discretion, deem appropriate.

Photostatic copies of pertinent papers in the file of this Administration are enclosed.

Sincerely yours,

CORRINGTON GILL,
Assistant Commissioner.

DR. GEORGE MUNRO LIVINGSTON

In re Mrs. Olive Ressler, Detroit.

HON. CLARENCE J. MCLEOD,
Representative, Thirteenth District of Michigan,
Washington, D. C.

DEAR SIR: In response to your letter and request, 16th instant, would say (herewith exact copy of statement made by Mrs. Ressler, a day or two subsequent to injury received by her): "I, Mrs. Olive Ressler, 12235 Meyers Road, Detroit, Mich., was walking east on Grand River Avenue, on north side of street, near Pinehurst Avenue, about 11 a. m., on Monday, February 27, 1939. As I approached the men working, that is, shoveling snow from the curb into an empty

lot, the man who struck me with the shovel between the knee and ankle of my right leg was facing in the direction in which I was coming up the street. I had passed several men before coming to this man. I was taken to a restaurant, where the timekeeper on the job was notified and drove me to my home. He then notified my doctor, who is Dr. George M. Livingston, 229 Connecticut Avenue, Highland Park. He took me to the Highland Park General Hospital for X-rays.

(Signed) OLIVE RESSLER

Unfortunately Mrs. R. does not have the names of witnesses, at the scene of the accident. George Engstrom, it would seem, was the foreman at this crew of Work Projects Administration workers. Mrs. R. has gone repeatedly to Work Projects Administration headquarters here in the city—but can get no information. She has written the Lansing office, with no response to her inquiry. There seems to be an attitude of “we have no information” all along the line among local officials.

The injury consisted of a severe contused wound, external surface right leg, with swelling, congestion, discoloration, tenderness extravasation of blood and local pain. This continued over a period of weeks notwithstanding rather constant and regular treatment. She was totally disabled for 5 full weeks and partially disabled for 2 weeks longer. As a matter of fact there is not yet full and complete recovery—also some possibility of permanent disability.

She is a widow woman, depending on her day's work, and has keenly felt the loss of time, expense, and accumulation of obligations during her invalidism.

She estimates that her losses, including unusual expense, loss of her business and income during this time would be \$500; X-ray expense, \$7.50; Medical service rendered, \$53.

She would be very grateful if you could do something about this matter with the authorities in Washington—for she certainly feels that there is a moral obligation on the part of the United States of America and in all fairness there should be a satisfactory settlement.

Thanking you for your interest in the matter, I am,

Respectfully yours,

GEO. M. LIVINGSTON, M. D.

JUNE 29, 1939.

STATEMENT OF LOSS AS A RESULT OF INJURY BY WORK PROJECTS ADMINISTRATION
WORKER

Loss of commissions	\$500. 00
X-ray	7. 50

I, Olive Z. Ressler, do swear that the above statement is true and correct to the best of my knowledge.

OLIVE Z. RESSLER.

Before me, a notary public for the county of Dallas, personally appeared Mrs. Olive Z. Ressler, who swears that the above statement is true and correct to the best of her knowledge.

Witness my hand and seal on this 12th day of May 1941.

[SEAL]

H. A. BOWLING, Notary.

DR. GEORGE MUNRO LIVINGSTON

Olive Ressler No. 2:	
1938 carried	\$43. 00
Apr. 12. O. C.	2. 50
Apr. 12-Apr. 22	5. 00
May 4, final O. C.	2. 50
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	53. 00
Feb. 27, 1938, X-ray at Highland Park General Hospital	7. 50
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Total	60. 50

DR. GEORGE MUNRO LIVINGSTON

Mrs. Olive Z. Ressler, 12235 Myers Rd., Detroit, Mich.:

1938.

Feb. 27. Accident (emergency) call, to hospital, X-ray and home	\$15. 00
Feb. 28. C, home	3. 50
Mar. 1. C, home	3. 50
Mar. 3. C, home	3. 50
Mar. 7. C, home	3. 50
Mar. 14. C, home	3. 50
Mar. 22. C, home	3. 50
Mar. 28. C, home	3. 50
Apt. 7. C, home	3. 50
Total	43. 00

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